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C O N F I D E N T I A L SECTION 01 OF 03 TRIPOLI 000223

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SUBJECT: DETAINED HUMAN RIGHTS ACTIVIST FATHI EL-JAHMI "RELEASED"

REF: A) TRIPOLI 183, B) TRIPOLI 142

CLASSIFIED BY: Chris Stevens, CDA, Embassy Tripoli, Dept of State.

REASON: 1.4 (b), (d)

11. (C) Summary: Reports by the Qadhafi Development Foundation (QDF) that detained human rights activist Fathi el-Jahmi was "released" to the custody of his family appear to be premature. Security officials continue to effectively control access to el-Jahmi at the Tripoli Medical Center. His family's access has improved but is not unconditional, and his ability to regularly leave his room for exercise and home visits remains the subject of negotiations with the QDF. According to his doctor, el-Jahmi's medical condition has improved and he could be released to his home for continuing treatment on an outpatient basis. El-Jahmi and his family are concerned that access to medical treatment might be curtailed if he were released from the hospital. Representatives of Human Rights Watch and Physicians for Human Rights have arrived in Tripoli and are scheduled to visit el-Jahmi today for independent assessments of his status and medical condition. End summary.

FATHI EL-JAHMI "RELEASED"

12. (C) Citing statements by Qadhafi Development Foundation (QDF) human rights director Saleh Abdulsalam, international media reported on March 11 that detained human rights activist Fathi el-Jahmi (FAJ) was "released", but remained at the Tripoli Medical Center for treatment. (Note: El-Jahmi has been in the GOL's custody since his re-arrest in early 2004. End note.) P/E Chief spoke with QDF Executive Director Dr. Yusuf Sawani on March 12. Sawani carefully stressed that el-Jahmi had been "transferred" from the custody of the GOL to the custody of his family, noting that since he had not been in detention (from the GOL's perspective), he could not have been "released". Referencing the el-Jahmi family's delay in responding to the QDF's earlier offers to allow el-Jahmi to return home (ref A), Sawani said the family had "finally" agreed to take custody of him. A March 12 Reuters report quoted el-Jahmi's son, Muhammad, as saying: "We ~ are very happy with the improvement in his health, particularly now that he can see us continuously. I am now responsible for his needs -- food, drink and everything."

BUT REMAINS AT TRIPOLI MEDICAL CENTER

13. (C) Sawani said the QDF had proposed transferring el-Jahmi to his family home in Tripoli or to a private clinic. The family told the QDF they could not accommodate el-Jahmi at home and raised concerns about the cost of private clinic care, suggesting the QDF underwrite those expenses. After consulting

with FAJ's treating physicians at the Tripoli Medical Center (TMC) and, according to Sawani, with the family, it was decided that the best course of action was to keep el-Jahmi at the government-run TMC, where the state pays for his treatment "as it would with any Libyan citizen".

14. (C) Asked whether Emboffs could visit el-Jahmi, Sawani stressed that the GOL no longer has custody of FAJ. As such, neither the GOL nor the QDF had any mandate to facilitate access to el-Jahmi, who was ostensibly free to come and go as he pleased. Sawani cautioned that "as with any patient in hospital", Emboffs would have to coordinate a visit with el-Jahmi's family, who were now responsible for him. "It is for the family alone to decide whether a visit would be appropriate", he said.

FAMILY VISITS

15. (C) P/E Chief spoke by telephone March 12 with el-Jahmi's eldest son, Muhammad, and daughter, Lamia, who said access to el-Jahmi for the family had recently improved. A number of el-Jahmi's immediate family were able to visit about one week ago. In the last three days, Muhammad el-Jahmi and his mother visited daily for long periods (his wife stayed seven hours on March 11), and were able to bring him food and sundry items. Muhammad el-Jahmi said that on March 10 he had to coordinate their visit with the QDF; however, on March 11 and March 12 he and his mother only had to telephone the hospital before visiting. Muhammad asked the QDF on March 12 whether el-Jahmi could exit his room regularly for exercise to alleviate edema in his legs, and whether he might be able to make a visit home. The QDF "agreed in principle", but details of those arrangements are still being sorted out.

16. (C) Asked whether Emboffs could visit el-Jahmi, Muhammad and Lamia stressed that the family was not in a position to sanction or coordinate visits, and suggested that Post contact the QDF. Standing permission for access to him at this point extends only to Muhammad and his mother. The family had no objection to a

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visit by Emboffs if the QDF agreed.

MINDERS STILL PRESENT

17. (C) P/E Chief visited el-Jahmi on March 12 in his TMC hospital room, located directly across from a nurse's station. When the duty nurse was asked which room el-Jahmi was in, two plainclothes security officers standing in front of el-Jahmi's room approached and asked who wanted to see him and why. The hospital's "security director," after determining that the visit had been coordinated with the QDF and the family, said P/E Chief could see al-Jahmi after el-Jahmi finished his evening prayers and supper.

TREATING PHYSICIAN SAYS IMPROVEMENT IN MEDICAL CONDITION CONTINUES

18. (C) While waiting, P/E Chief spoke by phone with el-Jahmi's treating physician, Dr. Abdulrahman Mehdy, who said el-Jahmi's condition had continued to improve since Emboffs last visited el-Jahmi on February 20. El-Jahmi's EKG readings were close to normal, his breathing was less labored, he tired less easily and the edema in his legs had begun to ease. Mehdy said el-Jahmi could, in his judgment, be released from hospital immediately and could continue treatment on an outpatient basis with visits to clinic once every week or two, a significant improvement since just three weeks ago. El-Jahmi had undergone a complete battery of tests, to include EKG and CBC, blood sugar and lipids profile blood tests on March 12, and would undergo a sonogram on March 13. Doctors had discovered that el-Jahmi's vision had deteriorated when he was recently allowed reading material again; el-Jahmi's eyes were tested and new spectacles prescribed on March 12.

EL-JAHMI IN GOOD SPIRITS

¶9. (C) After a wait of about an hour, P/E Chief saw el-Jahmi, who was accompanied by his wife, son Muhammad and a man described as his nurse, Abdullah Bashir. El-Jahmi was visibly tired, but was alert and appeared to be in good spirits. He made his first walk of any distance earlier that day to have his eyes tested in a clinic located in a different wing of the hospital. Excited about having left his room for the first time in long while, he expressed frustration that the edema in his legs had not subsided more quickly. (Note: His physician said he had started el-Jahmi on a different analgesic medication about one week ago to help ease swelling in his legs, and that the initial signs were good. End note.)

¶10. (C) El-Jahmi said his condition had improved recently. He was permitted to raise the blinds in his room about one week ago, allowing him a view and some sunlight. His Koran had been returned to him, although reading had been difficult until his new spectacles had been prescribed. He had been allowed trips outside his room more regularly, and understood that he would be allowed to begin regular walks soon to help his heart and edema. Most importantly, his family had been able to visit regularly. Asked whether he needed anything, he stressed two things: continued medical treatment and his freedom. His medical condition had improved considerably since treatment began in December 2007; however, further treatment was needed. He and his family were concerned that access to treatment might be curtailed - directly or indirectly - if he were released from the hospital. Unbidden, el-Jahmi stressed that while he wants to go home, he remains unwilling to enter into a tacit agreement to refrain from criticizing al-Qadhafi's regime or speaking publicly about his detention as the price for his release. He was unaware until told by P/E Chief that representatives of Human Rights Watch (HRW) and Physicians for Human Rights (PHR) were, with the QDF's facilitation, scheduled to visit him in the coming days. He expressed relief that the international community remains focused on his case, saying he felt he had been "walking alone in the wilderness" for a long time.

¶11. (C) Comment: While we lack the expertise to comment authoritatively on el-Jahmi's medical condition, he appeared to have improved since our last visit with him in February (ref B). Unfettered access and, should he choose, the ability to: 1) leave his room, and: 2) leave the TMC are important measures of whether he has in fact been "transferred" from GOL custody to that of his family. Security officials remain outside his room and effectively control access to him, and his ability to leave his room regularly for exercise and/or home visits is apparently being negotiated with the QDF, suggesting he remains for practical purposes under GOL custody. The distinction between

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el-Jahmi having been at the TMC in the GOL's custody and his being there now in the custody of his family is at best a subtle one. It is hard to avoid the conclusion that the QDF's announcement of el-Jahmi's "release" was orchestrated as window dressing on the eve of the visit by HRW and PHR representatives.

An important component of any agreement for his release will be specific agreement on the terms of his continued medical treatment. End comment.

STEVENS